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REMARKS

This response is intended as a full and complete response to the Office Action mailed August 24, 2006. In the Office Action, the Examiner notes that claims 1-28 are pending and rejected. By this response, Applicants have amended claims 1, 2, 12-14, 21 and 28 and canceled claim 26.

In view of the foregoing amendments and the following discussion, Applicants submit that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response including amendments.

I. IN THE CLAIMS

Claims 1, 14, 21, and 26 are objected to for various informalities. In response, Applicants herein amend claims 1, 14 and 21 to address the Examiner's objections to various informalities. Applicants cancel claim 26. Therefore, the Applicants respectfully request the objection be withdrawn.

II. REJECTION OF CLAIMS 1-4, 7-17 AND 25-28 UNDER 35 U.S.C. §102

The Examiner has rejected claims 1-4, 7-17, 25-28 under 35 U.S.C. §102(3) as being anticipated by Ellis et al. US2003/0149988A1 (hereinafter "Ellis") Applicants respectfully traverse the rejection.

Applicants' claim 1 recites:

1. A method, comprising:
receiving audiovisual data from a desired transmission channel;
if said audiovisual data is not compressed according to a predetermined format, compressing said received audiovisual data according to said predetermined format;

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storing, in a mass storage device and for a predefined period of time, compressed audiovisual data received from said desired transmission channel according to a title plan; and

in response to a user request, providing to said user said stored compressed audiovisual data beginning with a portion of said stored compressed audiovisual data having associated with it a first temporal parameter. (Emphasis added.)

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. Ellis fails to disclose each and every element of the claimed invention, as arranged in claim 1.

Specifically, Ellis fails to teach or suggest at least that the storing, in a mass storage device and for a predefined period of time, compressed audiovisual data received from said desired transmission channel according to a title plan and in response to a user request, providing to said user said stored compressed audiovisual data beginning with a portion of said stored compressed audiovisual data having associated with it a first temporal parameter, as recited in claim 1. For example, in a DIVA TV mode of operation, programs from a particular channel are captured and stored up to a fixed "window" of time. That is, the DIVA TV operating mode makes available the content provided during the previous "x" hours via that channel. (See Applicants' specification, p. 20, ll. 18-29.)

Ellis discloses a client server based interactive television program guide system with remote server recording. The interactive television program guide provides users with an opportunity to select programs for recording on a remote media server. (See Ellis, Abstract, emphasis added.) In other words, the recorded programs are user selected.

In contrast, Applicants invention teaches that the audiovisual data is stored according to a title plan. Furthermore, the stored audiovisual data is presented to the user via a DIVA TV mode that makes available the content provided during the previous "x" hours of that channel or a Capture TV mode where programs from many different channels are captured and stored for subsequent viewing via an IPG or Navigator menu under various headings. (See Applicants' specification, p. 20, ll. 18-29.) Notably, Ellis does not teach or suggest such a "time-shifted" channel. Moreover, all the alleged

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navigation screens presented previously recorded programs are programs selected by the user to be recorded and not according to a title plan.

Thus, Ellis does not teach or suggest each and every one of the limitations of Applicants' invention as recited in claim 1. As such, Applicants submit that independent claim 1 is not anticipated by Ellis and is patentable under 35 U.S.C. §102. Independent claims 2, 12 and 28 recite relevant limitations similar to those recited in independent claim 1. Accordingly, for at least the same reasons discussed above, independent claims 2, 12 and 28 also are not anticipated by Ellis and are patentable under 35 U.S.C. §102. Furthermore, claims 3-4, 7-11, 13-17 and 25-27 depend directly or indirectly from independent claims 2 and 12, while adding additional elements. Therefore, these dependent claims also are not anticipated by Ellis and are patentable under 35 U.S.C. §102 for at least the same reasons discussed above in regards to independent claims 1, 2, 12 and 28.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103

Claims 5, 6, 17-21

The Examiner has rejected claims 5, 6 and 17-21 under 35 U.S.C. §103(a) as being unpatentable over et al. in view of Moeller et al. U.S. Patent No. 5,903,264 (hereinafter "Moeller"). Applicants respectfully traverse the rejection.

Claims 5, 6 and 17-21 depend directly or indirectly from independent claims 2 and 12 and recite additional limitations thereof. Moreover, for at least the reasons discussed above, the Ellis reference fails to teach or suggest Applicants' invention as recited in claims 2 and 12. Accordingly, any attempted combination of the Ellis reference with any other additional reference(s), in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 5, 6 and 17-21 are patentable under 35 U.S.C. §103 over Ellis in view of Moeller.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

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Claims 22-24

Claims 22-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ellis in view of Moeller and further in view of Youden et al. U.S. Patent 5,606,359 (hereinafter "Youden"). Applicants respectfully traverse the Examiner's rejection.

Claims 22-24 depend directly or indirectly from independent claim 12 and recite additional limitations thereof. Moreover, for at least the reasons discussed above, the Ellis reference fails to teach or suggest Applicants' invention as recited in claim 12. Accordingly, any attempted combination of the Ellis reference with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 22-24 are patentable under 35 U.S.C. §103 over Ellis in view of Moeller and further in view of Youden.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

THE SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

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CONCLUSION

Thus, Applicants submit that none of the claims presently in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jimmy Kim at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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